

PROPERTY OWNERS ASSOCIATION OF ARUNDEL ON THE BAY, INC., et al. Plaintiffs/Counter Defendants	*	IN THE
	*	CIRCUIT COURT
v.	*	FOR
MAURICE TOSE, et al.	*	ANNE ARUNDEL COUNTY
Defendants/Counter-Plaintiffs	*	Case No.: C-02-CV-19-3640

REQUEST FOR PRODUCTION OF DOCUMENTS

Propounded Pursuant to the Maryland Rules of Procedure

TO: Maurice Tose and Teresa Layden, Defendants/Counter-Plaintiffs

FROM: PROPERTY OWNERS ASSOCIATION OF ARUNDEL-ON-THE-BAY, INC., Plaintiff/Counter-Defendant

Pursuant to Rule 2-422, you are requested to file within thirty (30) days after service of this Request for Production of Documents or within fifteen (15) days after the date on which your initial pleading is required, whichever is later, a written response to each request on the attached Document Schedule and to produce those documents for inspection and copying at the offices of Council, Baradel, Kosmerl and Nolan.

Notice: Response to this Request for Production of Documents may be made by mailing the requested material, in compliance with the Maryland rules of Procedure, to undersigned counsel at the address indicated, before the date indicated above.

a. In accordance with Rule 2-422(c) your written response “shall state, with respect to each item or category, that inspection and related activities will be permitted as requested, unless the request is refused, in which event the reasons for refusal shall be stated. If the refusal relates to part of an item or category, the part shall be specified.”

b. In accordance with Rule 2-422(d) the documents shall be produced “as they are kept in the usual course of business”, or you “shall organize and label them to correspond with the categories in the request.”

c. Pursuant to Rules 2-402(a) and 2-422(a), these requests encompass all items within your “possession, custody or control.”

d. Pursuant to Rule 2-401(c), these requests are continuing in character so as to require you to promptly amend or supplement your response if you obtain further material information.

e. If in responding to these requests you encounter any ambiguity in construing any request, instruction or definition, set forth the matter deemed ambiguous and the construction used in responding.

DEFINITIONS

As used in these requests, the following terms are to be interpreted in accordance with these definitions:

a. In accordance with Rule 1-202(o) the term “person” includes any individual, partnership, joint stock company, unincorporated association or society, municipal or other corporation, professional association, the State, its agencies or political subdivisions, any court or any other governmental entity.

b. The terms “you” or “your” include the person(s) to whom these requests are addressed, and all of those persons’ agents, representative, or attorneys.

c. In accordance with Rule 2-422(a), the terms “document” or “documents” include all “writings, drawings, graphs, charts, photographs, recordings, and other data compilations from which information can be obtained, translated, if necessary, by [you] through detection devices into reasonably usable form.”

d. “Your Property” refers to the property described in Paragraph 4 of your Counter-Complaint.

e. “Site Area” means the “Site Area” defined in your Counter-Complaint and as shown on Exhibit D to your Counter-Complaint.

f. “Disputed Street” means the “Disputed Street” referenced in your Counter-Complaint.

DOCUMENT REQUESTS

Request No. 1: All documents supporting, pertaining, or relating to the averments set forth in your Counter-Complaint and any amendment thereto.

Request No. 2: Any documents representing, reflecting, transcribing, pertaining to or relating to, any communication between yourself and any parties to this action and/or any current or former board member, community member and/or officer of Plaintiff Property Owners Association of Arundel-on-the-Bay, Inc. (the “Association”) or any third party regarding the subject matter of the Complaint or Counter-Complaint filed in the above-captioned matter.

Request No. 3: All correspondence to or from any person who is expected to testify as an expert witness on your behalf during any trial of this matter.

Request No. 4: All documents you will or may use as exhibits during any trial or hearing of this action.

Request No. 5: All correspondence to or from any person, excluding your counsel, regarding the averments set forth in your Counter-Complaint.

Request No. 6: Any and all appointment books, notebooks, journals, diaries, calendars, day-timers, e-mails or other such documents that contain, evidence, describe, or refer to any facts at issue in this lawsuit.

Request No. 7: All photographs, diagrams, surveys, plats, notes or other graphic representations of or related to Your Property, the Disputed Street, and/or the Site Area.

Request No. 8: All notes that you have taken at or in preparation for any meeting, whether opened or closed, of the membership and/or board of directors and/or the officers of the Association that in any way relate to the subject matter of this litigation and/or the allegations set forth in your Counter-Complaint.

Request No. 9: All documents that describe, evidence, pertain to or relate to any prior dispute regarding ownership or use rights to the streets at issue in this litigation, including without limitation, pleadings, court orders, court memoranda, correspondence, agreements, notes, affidavits, depositions, and reports.

Request No. 10: Any documents representing, reflecting, transcribing, pertaining to or relating to, any communication between and among any and/or all Plaintiffs in this matter, or other representatives of Plaintiff, regarding the allegations set forth in the Complaint or the Counter-Complaint.

Request No. 11: All treatises, rules, regulations, guidelines, statutes, policies or procedures and any other authoritative materials reviewed in connection with the above-captioned litigation and/or issues raised in the above-captioned litigation by any expert who will testify at trial.

Request No. 12: All invoices, bills, or other billing materials for each expert you expect to testify at trial, and for each consulting expert whose opinions or observations a testifying expert will review or has reviewed in connection with the above-captioned litigation and/or issues raised in the above-captioned litigation.

Request No. 13: All prior court testimony of any expert you expect to testify at trial, and of any consulting expert whose opinions or observations a testifying expert will review or has reviewed, including, without limitation, transcripts of depositions or of in-court appearances, that in any way relate to the subject matter of this litigation.

Request No. 14: All documents referred to in preparation of your answers to interrogatories.

Request No. 15: All statements, memorandum or other written or electronic document given by you to any persons concerning the subject matter of this action.

Request No. 16: All documents relating to any work performed upon the bulkhead or revetments on or near Your Property, including, but not limited to, any correspondence, agreements, permits, and invoices relating to any such work.

Request No. 17: All documents relating to any maintenance, improvements or other work done on either the Disputed Road or the Site Area over the last 20 years.

Request No. 18: All statements, memoranda, or other written or electronic document between you and any lot owners of Arundel on the Bay that relate to or concern the subject matter of this action.

Request No. 19: All documents relating to the ownership, use, maintenance or occupation of the Disputed Street as described in the Counter-Complaint.

Request No. 20: All documents relating to the ownership, use, maintenance or occupation of the Site Area as described in the Counter-Complaint.

Request No. 21: All statements, memoranda, or other written or electronic document between you and the Property Owners Association of Arundel on the Bay, Inc., its officers or members, that relate to or concern the subject matter of this action.

Request No. 22: All documents relating to your claims of ownership, use, maintenance or occupation of the Site Area and the Disputed Streets.

Request No. 23: All documents identified in your Answers to Interrogatories.

Request No. 24: All documents relating to your claims regarding Plaintiffs' right to use of the Site Area or the Disputed Street.

Request No. 25: All documents supporting your contention, if any, that the Site Area or Disputed Street, has been used by any person in a manner that is inconsistent with or beyond the scope of their use as described in your Counter-Complaint.

Request No. 26: All documents relating to the construction of the driveways at 1290 and 1299 Magnolia Avenue, including but not limited to any permits, documents sent to or received from governmental authorities, plans, contracts and/or invoices.

Respectfully submitted,

COUNCIL, BARADEL,
KOSMERL & NOLAN, P.A.

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